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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,482	03/01/2004	Mark H. A. Tigges	Tigges T01424-0023US-001 9571	
27155	7590 11/17/2005		EXAM	INER
MCCARTHY TETRAULT LLP			AMINI, JAVID A	
BOX 48, SUIT	•	ART UNIT		PAPER NUMBER
66WELLINGTON STREET WEST TORONTO, ON M5K 1E6			2672	THE DESCRIPTION OF THE PROPERTY OF THE PROPERT
CANADA			DATE MAILED: 11/17/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/788,482	WILLIAM, MARK				
	Office Action Summary	Examiner	Art Unit				
		Javid A. Amini	2672				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)🖂	Responsive to communication(s) filed on 12 Au	aust 2005.	·				
	<u> </u>	action is non-final.					
3)□	<u></u>						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)	4) Claim(s) is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
6)⊠	DI⊠ Claim(s) <u>22-49</u> is/are rejected.						
7)	Claim(s) is/are objected to.						
8)□	Claim(s) are subject to restriction and/or	election requirement.					
Applicati	on Papers						
9)🖂	9)⊠ The specification is objected to by the Examiner.						
	10)⊠ The drawing(s) filed on <u>12 August 2005</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	ınder 35 U.S.C. § 119						
_	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
-/-	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents		on No.				
	3. Copies of the certified copies of the prior						
	application from the International Bureau						
* S	ee the attached detailed Office action for a list of	of the certified copies not receive	d.				
•							
Attachment	(e)						
Attachment 1) Notice							
2) 🔲 Notici	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	te				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:							

Drawings

The drawings were received on 8/12/2005. These drawings are 1-5.

Terminal disclaimer

The terminal disclaimer filed on 8/12/2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 6,727,910 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-38, 41-45, 47 and 49 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant in preamble of the claim 22 discloses "In a data processing system that executes a program of instructions, a method for inverting a point X on a distorted surface in a detail-in-context presentation comprising the steps of:" It is not clear whether the preamble claims a system or a method claim.

Examiner's suggestion: the preamble can be written as following: A method for inverting a point X on a distorted surface in a detail-in-context presentation in a data processing system that executes a program of instructions, comprising the steps of:"

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Re. claims 37-38 and 48 do not meet the threshold requirements of clarity and precision, because these claims in the preamble claim that "a system for inverting a point, the system having memory, a display, and an input device ... "and the body of these claims claim just mathematical routines, nowhere in the claims claim where and how to represent these data. The rejection also applies to the claim 48.

Regarding claims 41-42, line 7, claim means for "obtaining, calculating, determining and comparing" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, an element in a claim for a combination may be expressed as a means or step for performing a specified function, not specified functions e.g. obtaining, calculating, determining and comparing. The rejection is similar for claim 49.

Claims 22-36, 43-45, and 47 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The body of the claim claims a routine for mathematical formulas, and Applicant fails to interrelate essential elements of the invention as defined by applicant at page 7 paragraph 0026 line 15 in the specification, i.e. viewed on a display.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 39-40 and 46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with

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which it is most nearly connected, to make and/or use the invention. The specification fails a written description of the invention as "a computer program product", and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. A patent claim is invalid if it is not supported by an enabling disclosure.

The specification is objected

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 39 and 46 in the preamble claim "a computer program product" the subject matter is not in the specification portion of the application as filed but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation. When claimed subject matter is only presented in the claims and not in the specification portion of the application, the specification should be objected to for lacking the requisite support for the claimed subject matter using Form Paragraph 7.44. See MPEP § 2163.06.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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